

In the
UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

ENVIRONMENTAL HEALTH TRUST, *et al.*)
Petitioners,)
v.) Nos. 20-1025 and
) 20-1138
FEDERAL COMMUNICATIONS COMMISSION)
AND UNITED STATES OF AMERICA,)
Respondents.)

**CONSENT MOTION FOR EXTENSION OF TIME FOR FILING
RESPONDENTS' BRIEF**

Pursuant to Federal Rule of Appellate Procedure 26(b) and Circuit Rule 28(e), the Federal Communications Commission (FCC), with the consent of all parties, respectfully moves the Court for an extension of the time for filing Respondents' brief from September 14, 2020, to September 22, 2020. Grant of the motion is warranted due to the delay occasioned by Petitioners' filing of an amended opening brief on August 14, 2020, and will help ensure that the Court has the benefit of thorough briefing of the issues presented in this case.

Pursuant to the Court’s July 2, 2020 Order in the above-captioned cases, Petitioners Environmental Health Trust, *et al.* and Children’s Health Defense, *et al.* filed their joint opening brief on July 29, 2020. Petitioners filed an amended brief on August 14, 2020. Letter of Edward B. Myers, Counsel, to Mark Langer, Clerk of Court, *Environmental Health Trust, et al. v. FCC*, Nos. 20-1025 and 20-1138

(Aug. 14, 2020). Among other things, the amended brief provides citations to comments and evidence in the record that were missing from the brief filed on July 29, 2020. *See id.* at 1 (“These miscellaneous errors were created because the document was corrupted by a computer error beyond Petitioners’ control.”). Due to the delay occasioned by Respondents’ lack of access to record citations in Petitioners’ opening brief for a period of 16 days, the FCC respectfully requests an eight-day extension of the time for filing Respondents’ brief to September 22, 2020, and a corresponding extension of later filing deadlines, as set forth below:

	July 2, 2020 Order Schedule	Requested Revised Schedule
Respondents’ Brief	September 14, 2020	September 22, 2020
Petitioners’ Joint Reply Brief	October 6, 2020	October 16, 2020
Deferred Appendix	October 16, 2020	October 26, 2020
Final Briefs	October 30, 2020	November 9, 2020

The undersigned counsel for the FCC has contacted counsel for all parties and is authorized to state that all parties consent to this request.

Respectfully submitted,

/s/ William J. Scher

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August 18, 2020

CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMITCertificate of Compliance With Type-Volume Limitation,
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s/ William J. Scher

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CERTIFICATE OF FILING AND SERVICE

I, William J. Scher, hereby certify that on August 18, 2020, I filed the foregoing Consent Motion for Extension of Time for Filing Respondents' Brief with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit using the electronic CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

s/ William J. Scher

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